



WILMINGTON, DE

Francis DiGiovanni
Partner

TEL (302) 888-6316
FAX (302) 255-4316
EMAIL fdigiovanni@cblh.com
REPLY TO Wilmington Office

The Nemours Building
1007 North Orange St.
P.O. Box 2207
Wilmington, DE 19899
TEL: (302) 658 9141
FAX: (302) 658 5614
WEB: www.cblh.com

July 18, 2008

VIA HAND DELIVERY and E-MAIL

The Honorable Vincent J. Poppiti
Blank Rome LLP
1201 N. Market Street, Suite 800
Wilmington, DE 19801

Re: *Honeywell Int'l Inc. v. Apple Computer, Inc., et al.*, Civ. No. 04-1338-JJF

Dear Special Master Poppiti:

I write on behalf of Sony Ericsson Mobile Communications AB and Sony Ericsson Mobile Communications USA Inc. (collectively, "SEMC") in furtherance of the proceeding ordered by Judge Farnan for the purpose of addressing the issue of dismissal of certain stayed customer defendants in this case. SEMC is one of those certain stayed customer defendants, and the purpose of this submission, as discussed at the telephonic hearing held on June 23, 2008, is to address the protocol and information necessary to confirm that an order of Dismissal of SEMC is warranted.

SEMC's non-liability in this case is simply stated. In 2005, Honeywell identified a single SEMC product, cell phone model Z200, as allegedly infringing the patent-in-suit. Pursuant to Judge Jordan's October 7, 2005 Order in this action, SEMC provided Honeywell with the name of the manufacturer for this product: Arima Display Corporation ("Arima"). SEMC further confirmed that the utilized Arima module model number was MC16G03A, and SEMC manufactured its accused Z200 phones between April and June 2004. SEMC also provided Honeywell the approximate quantity of units manufactured. Arima had been a party to this litigation, but settled. SEMC has reviewed the Honeywell-Arima settlement/license agreement, and it is beyond argument that any patent infringement liability for the Z200 phone, which used Arima's LCD module MC16G03A, has been discharged by the Honeywell-Arima settlement/license agreement.

During the meet and confer session between counsel for SEMC and counsel for Honeywell, Honeywell demanded multiple declarations and assurances from SEMC. SEMC is willing to provide a corporate declaration demonstrating the steps that it has

LAW OFFICES
Connolly Bove Lodge & Hutz LLP

The Honorable Vincent J. Poppiti
July 18, 2008
Page 2 of 2

taken to identify its accused product and the utilized LCD module. However, SEMC is not willing to undertake the additional demands sought by Honeywell, which would require contacting Arima and undertaking a survey of SEMC's LCD supplier base for evidence of certain other LCD manufacturers. SEMC believes that it should not be put to such additional activity and cost; SEMC's non-liability is clear on the face of the Honeywell-Arima settlement/license agreement.

Finally, despite Judge Jordan's clear direction to the contrary and establishment of an October 2005 deadline, Honeywell has recently sought to characterize two additional SEMC products as "accused products" in this case. The Court made it clear long ago in this litigation that Honeywell was to specify, no later than October 2005, the accused products in this litigation. *See* D.I. 202 (Order dated May 18, 2005) at p. 9 and n.5; September 9, 2005 Hearing Transcript at pp. 27-29; D.I. 237 (Order dated October 7, 2005) at p. 4 n.2 and p. 5. Thus, the two newly identified products are not "accused products" in this case. The issue of SEMC's dismissal (the issue presented in these Special Master proceedings) should therefore be decided without reference to the newly identified products, which are not properly part of this litigation.

In sum, SEMC believes that the corporate declaration described above, in conjunction with the Honeywell-Arima settlement/license agreement, suffices to irrefutably establish the non-liability of SEMC in this case, and warrants the dismissal with prejudice of SEMC.

I am available at your convenience to further discuss these issues.

Sincerely,



Francis DiGiovanni

FD/njw

cc: Clerk of Court (*via ECF*)
Counsel of Record (*via ECF*)

623809_1